

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

January 12, 2004

PRESENT: Nancy Amato, Chairman
Noreen A. O'Connell, Member
Gary Daniels, Member
Len Mannino, Member
Katherine E.L. Chambers, Town Administrator
Darlene J. Bouffard, Recording Secretary

EXCUSED: Cynthia A. Herman, Vice-Chairman

1.CALL TO ORDER: Chairman Amato called the meeting to order at 5:30 p.m.

2.MINUTES: The minutes of the December 8 and 22, 2003 meetings were presented to Chairman Amato for review. Selectman O'Connell motioned to approve the minutes of December 8 and 22. Selectman Daniels seconded. All members were in favor.

3. REPORTS OF BOARDS & SPECIAL COMMITTEES :

-Board of Selectman Goals. There was nothing new to report.

-DO-IT Committee. There was nothing new to report.

-Recycling Committee. There was nothing new to report.

-Recreation Commission. There was nothing new to report.

-Regional Water District. There was nothing new to report.

-Merton Group. There was nothing new to report.

-Solid Waste Committee. There was nothing new to report.

-NRPC Update. There was nothing new to report.

-Impact Fee Committee. There was nothing new to report.

-Planning Board. There was nothing new to report.

-Conservation Commission. There was nothing new to report.

-Community Town Wide Planning Facilities Committee (CTWPF). There was nothing new to report.

-School Board. There was nothing new to report.

-Heritage Commission. There was nothing new to report.

-Personnel Committee. There was nothing new to report.

-MIDC. There was nothing new to report.

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-Zoning Board. There was nothing new to report.

There were no other reports for this evening.

4. APPOINTMENTS:

- 5:30 p.m. - Non-Public Session - Personnel. Selectman O'Connell motioned to enter into non-public session to discuss a personnel matter at 5:30 p.m. Selectman Daniels seconded. All members were polled individually and assented to go into non-public session. After discussion, Selectman O'Connell motioned to come out of non-public session at 5:50 p.m. Selectman Daniels seconded. All were in favor. No announcements were made.

- 6:00 p.m. - Reconsideration of Custodial Fees for Non-Profit Organization. Abigail Beutler and Arthur Olson representing the Nashua Chamber Orchestra, requested the custodial fees for their November 9, 2003 concert be waived. They noted two more concerts would be coming up in March and June 2004 and will be held on Sunday afternoons. Chairman Amato asked how much the total bill for the November 9 concert was? Ms. Beutler replied the bill came in at \$425, after she had already sent a payment of \$175, which was the original rental cost for the hall. Further, Ms. Beutler explained these concerts are a public service in this area and serve mostly older people who do not wish to drive to Nashua at night for a concert. The musicians are volunteers and the only people who are paid are the conductor and the soloist. Chairman Amato noted the fees for the use of Town Hall had been changed to make the hall more affordable, but it seems it had gone the other way. Mr. Olson explained the group had only budgeted \$175, which had been the fee for many years. Ms. Beutler added the custodial bill of \$425 was received after she had already paid the amount of the rental. They noted an admission is charged at the door for the concert, but the group tries to keep the costs low for the citizens - the group is non-profit, and many times concerts are produced at a loss.

Selectman Daniels asked on what date the policy and fees were changed? Town Administrator Chambers indicated the policy was changed about October 30, 2003. Chairman Amato asked why two custodians were used? Town Administrator Chambers explained it was so that a single custodian did not have to stay for an extended period of time on a Sunday evening, the total custodial hours would be the same if there were one custodian or two. Ms. Beutler advised the Nashua Chamber Orchestra really enjoys playing in the Town Hall and added the acoustics are wonderful, except for the occasional fire alarm.

Selectman Daniels noted he did not see anything on the application that stated how much it would cost for custodial fees for the applicant. Town Administrator Chambers explained it is in the terms & conditions of the contract. Mr. Olson advised Ron Carr of the Nashua Chamber Orchestra had been communicating with the Town Hall for these events for some time now and did not understand the fees would be this high. Town Administrator Chambers responded that sometimes what has happened is the initial reservation is tentatively made and the application is not signed, then before the event is finalized, the policies have been changed - this procedure has been changed now to avoid this happening. Tentative reservations are no longer accepted. Ms. Beutler noted there was a delay in the process because it was requested that proof of non-profit status be provided and that took some time. When setting an event schedule so early, the applicant needs to understand that fees are sometimes revised, advised Selectman Daniels. Selectman O'Connell motioned the Board of Selectman will review this policy again and that in this instance the Town accept \$200 to cover the custodial services. Selectman Mannino seconded. Selectman Daniels amended the motion to state the Town will accept \$175 to cover the custodial services. Selectman O'Connell seconded for discussion. Selectman Daniels explained the dates of the changes to the policy do not appear to have been explained to the applicant at the time of application, therefore the Town should accept the \$175 that was originally agreed upon for the November 9, 2003 concert. All members were in favor. Ms. Beutler requested that during the review the Board of Selectman also identify the fees for the following year, so that organizations can budget for those costs. Selectman Daniels suggested the contract being signed by the applicant specifically state the charges at the time of the agreement.

- 6:15 p.m. - Second Reading of Winter Parking Ban - Public Parking Lots & No Parking on a Portion of West Street Ordinances. Library Director Art Bryan has requested the Library parking lot be included in the winter parking ban. Town Administrator Chambers indicated she would ask Police Chief Douglas to revise the language of the ordinance for the third reading to include the library parking lot. Further, David Barrett of Kilkenny Pub, has re-

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requested the Putnam Street parking lot be open until 1:30 a.m. for customers and 2:30 for his employees. Town Administrator Chambers indicated she had spoken to Mr. Barrett and suggested to him that he seek parking elsewhere for his employees. It was agreed 1:00 a.m. would be acceptable start time for the parking ban. In the case of a snowstorm, DPW needs to get in the lot to plow and cars will be towed if they are there after the agreed time. Town Administrator Chambers also spoke with the Director of MACC Base who indicated they were fine with the hours and could usually utilize the two parking spots reserved at the library for them, but would like to continue with the current procedure of having DPW call so the staff can move their vehicles in the case of snow. Chairman Amato asked about Oval parking? Chief Douglas responded by indicating there was no parking on the Oval after midnight. It was noted Ambulance staff currently parks behind the Leighton White building. Selectman Mannino asked what time parking is banned on public streets? Chief Douglas advised it is banned from 12:00 midnight until 6:00 a.m. Selectman Daniels asked if there is a way to get all of these people to park in one lot together? Town Administrator Chambers advised it would be difficult to leave a string of parking spaces open for all of those people at the same time during the winter.

Selectman Mannino motioned to approve the second reading of the Winter Parking Ban - Public Parking Lots Ordinance with the cut off of 1:00 a.m. Selectman Daniels seconded. All were in favor.

Selectman Mannino motioned to approve the reading with the library parking modification (adding to the parking ban). Selectman O'Connell seconded. All were in favor.

Selectman Daniels motioned to approve the No Parking ordinance on the portion of West Street. Selectman O'Connell seconded. All were in favor.

- 6:30 p.m. - 2004 Ambulance Department Budget Recommendations. Ambulance Director Eric Schelberg requested the Board of Selectman adjust some figures in the Ambulance Service Budget in the incentive pay and per diem line items. Town Administrator Chambers explained when working with the budget the last time, there was some discussion about how a reduction in overtime would cover this cost, but it had already been reduced previously, so it could not be done again. It was noted this needed to be addressed at the meeting because the problem had not been identified at the last meeting. Selectman O'Connell asked Mr. Schelberg if the money could be found anywhere else in his budget to cover the shortfall? Mr. Schelberg asked how much the Board of Selectman would like him to find? He indicated he had already trimmed the areas where he normally would find extra funds and he is nervous about the amount of cuts made. Town Administrator Chambers inquired about the possibility of trimming funds in the budget that had been allocated for the Opticom system. Chief Pauley offered that he could reallocate some fire alarm funds to pay for the Opticom system and take in-kind services in lieu of payment from the Ambulance Service personnel for CPR recertification for fire fighters. The fire alarm is a special fund. The ambulance personnel could give CPR recertifications. Mr. Schelberg felt it could be done. Selectman O'Connell suggested this be taken under advisement by the Board of Selectman, since there will be additional discussions later this evening on budget issues.

- 7:00 p.m. - US Cellular Tower. Town Administrator Chambers has consulted with Town Counsel Drescher regarding the proposed Communication Tower on the Town Hall roof. Building Inspector Kevin Lynch and Assistant Planning Director Lincoln Daley also participated in discussions so all points of view could be represented. Since the meeting, Mr. Lynch, Mr. Daley, Town Planner Bill Parker and Town Administrator Chambers have met and recommend the Town proceed as follows:

1. The Board of Selectman withdraw the current application before the Planning Board.
2. The Board of Selectman request US Cellular pay for an independent consultant selected by the Town to evaluate the existing towers and roof and provide a determination on whether the existing towers need to be replaced.
3. If towers require replacement, ask US Cellular to pay for an independent consultant to design a plan for the replacement.
4. If the towers require replacement, the Board of Selectman submits a design to the Planning Board (kept separate from US Cellular's plans to co-locate) for a non-binding review per the State Statute.
5. US Cellular submit a separate site plan application for placement of cellular panels on the tower.
6. US Cellular submit an application to the ZBA requesting a variance to the zoning requirement that the cellular panels located on the Town's communication tower not be visible from the street.

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Further, it was indicated that Ted Bartlett, Northeast Regional Manager of Edwards & Kelcey Technology, and Milford citizen, does this type of work for a living and has agreed to volunteer for the Town. He has indicated he would be willing to go up on the roof and take a look and explain what is up there to the Board of Selectman and Planning Board on Saturday morning. Chairman Amato agreed she would go on the roof for the review, to which Selectman O'Connell agreed she would attend as well. It was decided the review on the roof would take place on Saturday, January 17, 2004 at 12:30 p.m. Selectman O'Connell will inquire if any Planning Board members can attend.

-7:15 p.m. - Conservation Commission Input & Recommendations on 2004 Warrant Article 24 – Future Land Purchase to Stabilize Tax Rate. Conservation Commission Chairman Diane Fitzpatrick indicated she would like Warrant Article 24 to be successful and felt it was important the voters were aware of all the possible options to stabilize the tax rate, including the purchase of conservation lands. A committee should be created that will study all aspects of the situation and create a comprehensive plan. She indicated the Planning Department was eager to be involved in this project as well. Selectman Daniels indicated he was not sure the committees make up (seven members – Town Planner, Conservation Commission Chair, a Selectman, a Budget Committee member, and three members of the public) that is suggested in warrant article 24 is right. Ms. Fitzpatrick advised the committee make up was just a draft and could be changed - the wording came about because it looked like the Board of Selectman wanted to buy property to keep down property taxes. Selectman Daniels suggested there be a study to identify why property taxes are continuing to go up. Chairman Amato advised this would address the ordinance and the land. Town Planner Bill Parker indicated this would tie in with Planning Board and fiscal impacts of growth. This committee would look into it in the future as well. Ms. Fitzpatrick suggested the group that makes up the committee should be diverse. Before the year is out, this group will probably have a plan for the warrant for 2005. Selectman O'Connell suggested taking this under advisement and discuss it with other budget issues later this evening.

- 7:30 p.m. - 2004 Fire Department Budget Recommendations. Fire Wards, John Raymond, Ken Hawes, Bill McKinney, and Fire Chief Rich Pauley submitted a memo to the Board of Selectman requesting adjustments to the 2004 Fire Department operating budget. Six areas have been identified as concerns. The current budget has no contingency - there is nowhere to redistribute funds from if there are unexpected expenditures. The request is to do the following:

1. Increase call pay by \$4,600
2. Increase training/staff development by \$2,250
3. Increase contract equipment by \$1,000
4. Increase heat/oil by \$1,000
5. Restore \$3,500 to the supplies/vehicles line item
6. Increase medical services by \$250

The total request is for an increase of \$12,600 in the overall budget. Chief Pauley indicated he anticipates the Fire Department requiring two new employees and possibly two more before the end of 2004. Selectman O'Connell asked if there were other places the funding could come from in the budget - maybe from less critical areas and move the funds into these more critical areas. Chief Pauley responded by advising the budget was at a point where there was no fluff or buffer at all, and to keep in mind a full-time position was being absorbed in the 2004 budget. He stated there were some critical things that need to be done, but there was nowhere to take the funding from.

Town Administrator Chambers suggested the 4" fire hose replacement could be scaled back, to which Chief Pauley replied that new hoses have not been purchased in 15 years. The hose being looked at for replacement are at least 15 years old. The old hose needs to be replaced. Town Administrator Chambers asked if 900 feet could be scaled back? Chief Pauley advised there were different sizes to be replaced - it is not 900 feet of the same size hose, some is 1 3/4". Selectman Mannino asked if there was a certain requirement for a number of feet of hose for residences that cannot tap into a hydrant? Chief Pauley indicated there is a minimum amount of hose that is required in order to reach from the hydrant to the back of houses. Selectman Daniels asked about the dues and memberships line item. Chief Pauley explained those funds are for the Souhegan Valley Mutual Risk, to pay for the Hazardous Materials team, the Fire Protection Association (public education materials) and the NH Fire Chief Association (chief/captain). Chairman Amato asked how much the Fire Department budget costs in other similar towns? Chief Pauley advised the Fire Department's budget is about \$365,736 and in other towns the budget is about \$1.1 or \$1.2 million. The Board of Selectman will discuss this further later this evening.

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- 8:00 p.m. - Meeting with Facilities Commission. Donna Barr and Mary Albina, representing the Facilities Committee, responded to the newspaper articles run recently regarding the Police Station proposal. The Facilities Committee indicated they felt the proposed station was adequate for 20-year planning - which was the charge of the Committee. Everyone on the committee would like to see the police station come in under the proposed dollar amount. It was indicated a marketing plan needed to be put together. Selectman O'Connell suggested attending a VFW breakfast on Sunday mornings to speak with citizens. Town Administrator Chambers added the Voters' Guide would be going to all registered voters and an insert with Police Station information could be placed inside the Guide. Elevations and floor plans would also be good to have at the Public Hearing and Deliberative Session. Town Administrator Chambers noted for the Board of Selectman that the design committee being established needed to have funds authorized for marketing and for the development of elevations so the Board of Selectman needs to authorize up to \$5,000 of funding for 2004. Selectman Mannino motioned to appropriate up to \$5,000 to be used by the Facilities Committee for elevations, consultant fees, and marketing of the proposed police station. Selectman O'Connell seconded. All were in favor.

Mr. Parker asked if there could be a warrant requesting permission for the Board of Selectman to "dispose" of the current police station site as it sees fit? Town Administrator Chambers does not think the committee is ready to present a case for the possible sale of the existing police station property - it should wait until next year. Town Administrator Chambers asked if any Facilities Committee members were available to attend the Budget Committee meeting Tuesday night to answer questions regarding the proposed police station - not all Budget Committee members gave a no vote, some abstained at the vote. Ms. Barr responded there would be members available for the Tuesday Budget Committee meeting.

5. UNFINISHED BUSINESS:

-Third Reading of New Restricted Parking Zone Ordinance - Forest Street. Selectman Daniels motioned to approve the third and final reading of the Parking Zone Ordinance - Forest Street. Selectman O'Connell seconded. All were in favor.

-Town Report - January 14, 2004 Deadline. Town Administrator Chambers indicated the deadline for submissions for the Town Report is January 14, 2004. There will be a piece regarding the retirement of Building and Planning Department Administrative Assistant Shirley Carl and Transfer Station employee Carol Foote as well as the DO-IT Director Andrea Galligher. Selectman Daniels asked if the Town volunteers (committees) would be thanked in the Town Report, to which Town Administrator Chambers indicated the various committees would be included.

-Harriet Wilson Project Proposal. Selectman O'Connell indicated she has not spoken with Jeri-Ann Boggis, who is spearheading this project, since the initial proposal; no decision on location has been made.

-Gregg Grant. The State permits are under way and the project is moving forward. Town Administrator Chambers will be meeting with Town Counsel Bill Drescher to get the easements for the Masonic Temple and the Boys and Girls Club properties finalized for the Gregg Grant.

-Fire Wards Transition. This will be finalized at the next Board of Selectman meeting.

-Town Wrecker Rotation Policy. Town Administrator Chambers has not been able to work on this policy but it is still in process.

-Consideration of a Traffic Light at the Nashua St. & Power St. Intersection. Town Administrator Chambers reported the Town is waiting for one last check before a traffic study can be conducted on Nashua Street.

-Non-Public Session - Union Negotiations. Selectman O'Connell motioned to enter into non-public session for the purpose of discussing negotiations at 9:00 p.m. Selectman Daniels seconded. All members were polled individually and assented to go into non-public session. After discussion, Selectman O'Connell motioned to come out of non-public session at 9:10 p.m. Selectman Daniels seconded. All were in favor. No announcements were made.

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6. NEW BUSINESS.

-Discussion Regarding Bales School. School Board Chairman Peter Bragdon had asked Town Administrator Chambers to discuss at tonight's meeting what the Board felt should be done with the currently vacant Bales School. He had indicated the School Administrative Unit (SAU) Office may move into it in the next 2-3 years and Mr. Bragdon wondered if the Town had thought of any plans to use Bales for Town use? Allen Woolfson, DO-IT member, advised there had been a DO-IT meeting last week and several ideas were discussed of what it could be used for. Town Administrator Chambers asked Mr. Woolfson, on behalf of DO-IT, to contact the School District about their ideas. The Town had discussed moving Human Services into Bales, but the Facility Committee needs to study the building prior to any decisions being made. Selectman O'Connell asked if the Facility Committee had discussed it at all. Town Planner Bill Parker advised this issue continues to come up in the Facilities Committee meetings but there has been nothing definitive decided. Selectman O'Connell asked about the ten or so SAGE students that attend classes at the former Garden Street Elementary School, and where they would go if Garden Street Elementary were torn down to erect the new Police Station? Selectman Daniels suggested Bales was one of the possibilities, but he noted there had been a lot of controversy about it. Selectman O'Connell suggested the Welfare Offices also might be a good use for Bales and a Community Center was a big topic a few years ago. Chairman Amato noted the School District has ownership of the building.

-Recommendation of a Nashua Regional Planning Commission Representative. Pierce Rigrod, who is the Chairman of the Recycling Committee, is interested in being the third of three representatives to the NRPC. Selectman O'Connell motioned to recommend Pierce Rigrod as a representative to the NRPC. Selectman Daniels seconded. All were in favor.

-Discussion of a Portion of Old Wilton Road. Town Administrator Chambers explained a portion of Old Wilton Road, formerly a State road that has not been used for many years, which also had not been incorporated into the Town road system had been inquired about by the new owner of the property. Town Land Researcher Lorraine Carson has thoroughly investigated the land in question; nothing was ever reported one way or the other that the piece of the road was discontinued. Town Administrator Chambers met with Attorney Drescher who confirmed that this was not a Town road. Selectman Daniels motioned for Town Administrator Chambers to send a letter to land owner stating the Town has no interest in the portion of the old State highway that crossed the property owners land years ago. Selectman O'Connell seconded. All were in favor.

-Request for Access to PEG Access Capital Funding. Town Administrator Chambers explained during the cable franchise negotiations with Adelphia, it was agreed they would provide to the Town a certain dollar value for the purchase of equipment to run PEG access channels. The school would now like funding to get the education portion of PEG under way in order to offer TV Program capabilities and facility (TV studio) for educational access programming. The discussion with the cable team was that when the Town was ready, it would establish a committee to set up regulations and guidelines. Therefore, a committee needs to be set up to research this. It was indicated Vice-Chairman Herman was more involved in this than anyone on the Board of Selectman therefore, Selectman Daniels motioned to table until Vice-Chairman Herman was present. Selectman O'Connell seconded for discussion and asked if Tim Finan, Milford citizen volunteer for the Public Access Television project, was working on this? Town Administrator Chambers advised to her knowledge he was. All were in favor.

-Request for Approval of the South Street Railroad Crossing Design & Construction. It was indicated DPW Director Bill Ruoff had spoken to the person in charge of Federal funding for railroad track projects, regarding the desired repairs and improvements to the South Street railroad crossing. It was indicated the funding for such a project would be 80% State, 20% Town. The State indicated when it does this repair, it would complete improvements to Clinton Street on one side and Lincoln Street on the other. It was advised the project estimate would include the work and design activities. This project would be planned for 2005, but before it can go forward, the Board of Selectman needs to approve the project. Under this program, there would be signalization added to make it safer. The Union Street railroad track has also been approved for improvements, but that project is out in 2007 or 2008.

Selectman O'Connell asked about repairs to the South Street crossing that were done last year, when the tracks caused some damage to vehicles, is this related? Mr. Ruoff acknowledged work had been done and advised last year the track was "floating" and was tearing up the road, so a temporary repair was completed. Selectman O'Connell

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asked about the Bass grant the Town applied for, and whether it was ever granted. Town Administrator Chambers advised she had never heard back after the application was submitted.

Selectman Mannino asked what businesses in Town benefited from the train going through Town? Mr. Ruoff indicated there were a few, including Hendrix, Granite State Concrete, Suburban Propane, and Hitchiner. Selectman Daniels asked if the rail company pays any of the cost for this work (the 20%)? Mr. Ruoff advised he would need to find that out. The railroad does not own the crossings, though; the Town owns the right of way. The rail crossing is a State project to rebuild the crossing in the public right of way. This can be tabled tonight, if the Board of Selectman would like additional information. Selectman Daniels stated this was the first he had heard of this project. Chairman Amato advised the issue had been going on since she was first elected to the Board of Selectman. Selectman Mannino indicated he was interested in finding out how many businesses benefit from the trains going through Town.

Chairman Amato indicated she felt it was more of a safety issue than a train business issue - the tracks on South Street are dangerous. Mr. Ruoff agreed, indicating the road system was more affected than the businesses. If there are five businesses in Town that benefit from the train going through, advised Selectman Daniels, why can't those businesses gather the necessary funding for the portion the Town is responsible for. Mr. Ruoff indicated the signalization portion of the project would be totally paid for by the State because of the safety issues. This project would benefit all the taxpayers because it makes the intersection safe and it is not just related to the businesses that use the rails. Some of the work will be bid out, and Town workers will do some. Selectman Mannino asked about traffic control during the project - would that be police traffic control? Mr. Ruoff indicated it would be police traffic control if they were available. Selectman Daniels motioned to table this to the next Board of Selectman's meeting. Chairman Amato seconded for discussion and suggested all members should look at the intersection prior to the meeting. Selectman Mannino also added he would find out exactly what businesses benefit from the use of the train in Town. All members were in favor of the motion.

-Request for Conservation Commission to Accept a Donation. A donation in the amount of \$100 has been presented to the Conservation Commission to aid in the efforts to protect the Town's natural resources and preserve open space in Milford. Selectman Mannino motioned to accept the donation and place the \$100 in the Conservation Land Fund. Selectman O'Connell seconded. All were in favor.

-Acceptance of a Donation. A donation in the amount of \$200 was presented to the Town for Milford Mediation. Selectman Daniels motioned to accept the donation of \$200 to be used toward the Milford Mediation budget. Selectman O'Connell seconded. All were in favor.

-Acceptance of Donation for the Keyes Field Pool House Expansion. A donation in the amount of \$8,300 was presented to the Recreation Department for use toward the Keyes Pool House expansion from the Arthur L. Keyes Memorial Trust Fund. Selectman O'Connell motioned to accept the donation of \$8,300 for use toward the Keyes Pool House expansion. Selectman Daniels seconded. All were in favor.

-Request for Dissolution of Town Hall Auditorium Restoration Committee. The Town Hall Auditorium Restoration Committee (THARC) met in September and voted to disband the Committee because the work it set out to do has been completed and the air conditioning of the Town Hall Auditorium has been installed. There is a balance in the THARC account, which THARC presented to the Town. The THARC Board of Directors asked that the funds in combination with the funds remaining from the air conditioning project be used to purchase new black interior stage curtains. The amount in the account should be enough to purchase new black curtains; the ones currently in use are in disrepair. Selectman O'Connell motioned to accept the funds from THARC to be used by the Town to purchase a new black interior curtain. Selectman Mannino seconded. All were in favor.

-Request to Sign Corrected Property Tax Warrant, Second Half 2003. A corrected Property Tax Warrant for in the amount of \$13,160,775.71 for the second half year of 2003 was presented to the Board from the Tax Collector Margaret A. Langell for approval. Selectman Daniels motioned to approve the Property Tax Warrant. Selectman O'Connell seconded. All were in favor.

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-Impending Tax Deed Notices. A listing of parcels in Town that have received impending deed notices pursuant to RSA 80:76 was provided to the Board of Selectman by Ms. Langell for information purposes only. It was noted none of the properties would be deeded because they had been paid up or other satisfactory arrangements had been made.

-Execution of Water User Fees and Sewer Users Fees for the Month of January 2004. The Water User and Sewer User fees for the month of January 2004 were unanimously approved on motion made by Selectman O'Connell and seconded by Selectman Daniels as follows:

Water Users Fees:	\$ 38,513.88
Sewer Users Fees:	\$ 41,553.99

-Non-Public Session. Selectman O'Connell motioned to enter into non-public session for the purpose of discussing welfare case issues at 9:11 p.m. Selectman Daniels seconded. All members were polled individually and assented to go into non-public session. After discussion, Selectman Daniels motioned to come out of non-public session at 9:25 p.m. Selectman O'Connell seconded. All were in favor. No announcements were made.

-Non-Public Session - Personnel. Selectman O'Connell motioned to enter into non-public session for the purpose of discussing a personnel issue at 9:26 p.m. Selectman Daniels seconded. All members were polled individually and assented to go into non-public session. After discussion, Selectman Daniels motioned to come out of non-public session at 9:35 p.m. Selectman O'Connell seconded. All were in favor. No announcements were made.

7. ITEMS NOT ON THE AGENDA.

-MtBE Update. Town Administrator Chambers updated the Board of Selectman indicating the Town was served last Wednesday on a motion for summary judgment filed by the oil companies, regarding the MtBE contamination issue. Town Administrator Chambers indicated she has a call into an attorney and recommends the Town use the services of the same attorney as Dover. The firm will work on a contingency basis, so fees will come out of any money collected. Selectman O'Connell asked if there is any chance the Town would not prevail. Town Administrator Chambers responded there is always a chance of that. Town Administrator Chambers asked if the Board wished to continue? Selectman O'Connell and Chairman Amato indicated they felt the Town should continue as long as there is no cost to the Town.

- Budget Work Session. The Board worked on the 2004 operating budget and warrant articles for the rest of the evening.

8. INFORMATION ITEMS.

9. ANNOUNCEMENTS.

-Next BOS Meeting. The next regular meeting of the Board of Selectmen will be Monday, 26 January 2004, at 5:30 p.m.

There being no further business to come before this Meeting, the Board adjourned at 11:30 p.m.

Chairman

Vice-Chairman

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